

SHER TREMONTE LLP

September 25, 2023

BY ECF

Hon. Taryn A. Merkl
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Trooper 1 v. NYSP et al.*, 22-cv-893 (LDH) (TAM)

Dear Judge Merkl:

We write regarding the September 22, 2023 letter from counsel to Karen Hinton, which is full of blatant inaccuracies. *See* ECF No. 165. Counsel for Ms. Hinton filed this procedurally improper letter notwithstanding that we had been discussing a briefing schedule to compel Ms. Hinton's compliance with the subpoenas issued to her. We will address Ms. Hinton's baseless objections to the subpoenas—including the inaccurate characterizations of the meet and confer process—in our motion. Suffice to say, however, that Ms. Hinton has relevant information about Trooper 1's allegations and must comply with the subpoenas to her.

One issue that cannot wait for briefing, however, is the reference to a conversation between Governor Cuomo and Ms. Hinton's husband Howard Glaser, who has known Governor Cuomo for decades. During that conversation, Mr. Glaser argued that Ms. Hinton was not involved in the sexual harassment allegations and should not have to sit for a deposition.¹ Governor Cuomo pointed out that: when allegations of sexual harassment were first made against him, Ms. Hinton, who was in the middle of promoting her book *Penis Politics*, had been in frequent communication with numerous women who were speaking publicly about Governor Cuomo, including Lindsey Boylan, Charlotte Bennett, and Ana Liss-Jackson; Ms. Hinton, a communications strategist, was working with these women to coordinate press attacks on Governor Cuomo; and some of those women attended Ms. Hinton's book party in December 2021 to promote her book.

When her husband's personal appeal to Governor Cuomo did not work, Ms. Hinton conveyed a threat, through her attorney (who was aware of backchanneling between Mr. Glaser and Governor Cuomo), that if Ms. Hinton were required to sit for a deposition, she would bring out damaging information about Governor Cuomo that had nothing to do with

¹ Mr. Glaser also represented to Governor Cuomo that Ms. Hinton did not have any documents responsive to the subpoena, but that was not accurate. Ms. Hinton produced numerous communications with Ms. Boylan, Ms. Bennett, and Ms. Liss-Jackson.

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sexual harassment allegations. Having made that threat, and having worked for years to publicly attack Governor Cuomo (a fact she readily admits), it is outrageous for Ms. Hinton to continue to suggest that she is somehow being harassed.

Respectfully submitted,

/s/ Theresa Trzaskoma

Theresa Trzaskoma